

Date: July 6, 1999

File No: 76079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

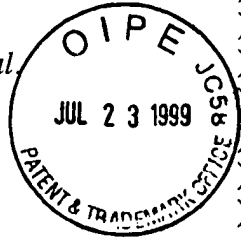
In Re U.S. Patent Application

Applicant: SCHUMACHER *et al.*

Serial No.: 09/316,539

Filed: May 21, 1999

For: PROCESS AND DEVICE FOR  
DETERMINING THE ACTIVITY OF  
ENZYMES IN LIQUIDS, OR THE  
CONCENTRATION AND/OR ACTIVITY  
OF INHIBITORS IN LIQUIDS



I hereby certify that this correspondence is being deposited with the United Postal Service as first class mail in an envelope addressed to: Box MISSING PARTS / Assistant Commissioner for Patents / Washington, DC 20231, on July 6, 1999

*Gerald T. Shekleton* 7/6/99  
Gerald T. Shekleton Reg. No. 27,466 Date

COMPLETION OF FILING REQUIREMENTS

Box MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith in response to the Notice to File Missing Parts of Application -

Filing Date Granted dated June 17, 1999, are:

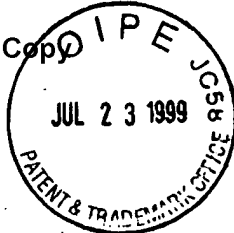
- (X) Declaration or Oath for this application.
- ( ) Filing fee for this application.
- ( ) Assignment(s) of the invention to \_\_\_\_\_
- ( ) Verified Statement Claiming Small Entity Status--.
- ( ) Petition for Extension of Time.
- ( ) Other: \_\_\_\_\_
- (X) A Check in the amount of \$65.00 to cover the surcharge.
- ( ) Charge \$ \_\_\_\_\_ to Deposit Account No. 23-0920.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet is enclosed.

RECEIVED  
AUG - 3 1999  
TC 1700 MAIL ROOM

120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606-3913  
Telephone: (312) 655-1500

WELSH & KATZ, LTD.

By *Gerald T. Shekleton*  
Gerald T. Shekleton  
Registration No. 27,466

Attorney's Docket No. 69430

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the application of

Inventor(s): SCHUMACHER et al.

For: **PROCESS AND DEVICE FOR DETERMINING THE ACTIVITY OF ENZYMES IN LIQUIDS, OR THE  
CONCENTRATION AND/OR ACTIVITY OF INHIBITORS IN LIQUIDS**

## 1. Type of Application

This new application is for a(n)

*(check one applicable item below)*

- ☐ Original
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-In-Part (C-I-P)

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120 or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application; USSN 08/793,833). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

- 15 Pages of specification
- 4 Pages of claims
- 1 Pages of Abstract
- 5 Sheets of drawing(s)
  - ☒ formal
  - ☐ informal

*(complete the following if applicable)*

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S) (37 C.F.R. 1.84(b)).

**4. Additional papers enclosed**

- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement (37 C.F.R. 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Verified Statement Claiming Small Entity Status (copy)
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other: Notification of Filing of Continuing or Divisional Application (for parent application)

**5. Declaration or Oath**

- ☒ Enclosed (copy)

Executed by

*(check all applicable boxes)*

- ☒ inventor(s)
- ☐ legal representative of inventor(s) (37 CFR 1.42 or 1.43)
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
  - ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- ☐ Not enclosed.
- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s)
  - ☐ Showing that the filing is authorized.  
*(not required unless called into question. 37 CFR 1.41(d))*

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- ☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

**7. Language**

- ☒ English
- ☐ Non-English
- ☐ The attached translation is a verified translation (37 C.F.R. 1.52(d)).

**8. Assignment**

- ☐ An assignment of the invention to \_\_\_\_\_
- ☐ is attached. A separate ☐ COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION or ☐ FORM PTO-1595 is also attached.
- ☐ will follow.

**9. Certified Copy**

Certified copy(ies) of the application(s)

_____ (Country)	_____ (Appln. No.)	_____ (Filed)
_____ (Country)	_____ (Appln. No.)	_____ (Filed)
_____ (Country)	_____ (Appln. No.)	_____ (Filed)

from which priority is claimed

- ☐ is (are) attached.
- ☐ will follow.

10. Fee Calculation (37 C.F.R. 1.16)

A. ☒ Regular application

CLAIMS AS FILED				
Number filed		Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$760.00
Total				
Claims (37 CFR 1.16(c))	12- 20 =	0	x	\$18.00
Independent				
Claims (37 CFR 1.16(b))	1- 3 =	0	x	\$78.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))			+	\$260.00

☒ Amendment canceling extra claims is enclosed.

☒ Amendment deleting multiple-dependencies is enclosed.

☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$760.00

B. ☐ Design application  
(\$310.00 -- 37 CFR 1.16(f))

Filing Fee Calculation \$\_\_\_

C. ☐ Plant application  
(\$480.00 -- 37 CFR 1.16(g))

Filing Fee Calculation \$\_\_\_

11. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

*(complete the following if applicable)*

☒ Status as a small entity was claimed in prior application 08/793,833, filed on February 18, 1997, from which benefit is being claimed for this application under:

- 35 U.S.C. ☐ 119(e),  
☒ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☒ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)    \$380.00

**12. Request for International-Type Search (37 C.F.R. 1.104(d))**

*(complete if applicable)*

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

☒ Enclosed

- ☒ Basic filing fee \$380.00
- ☐ Recording assignment  
(\$40.00; 37 C.F.R. 1.21(h))  
(See attached COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION \$ \_\_\_\_\_)
- ☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached  
(\$130.00; 37 C.F.R. 1.47 and 1.17(h))
- ☐ For processing an application with a specification in a non-English language  
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$ \_\_\_\_\_
- ☐ Processing and retention fee  
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

**14. Method of Payment of Fees**

- ☒ Check in the amount of \$ 380.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.00. A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

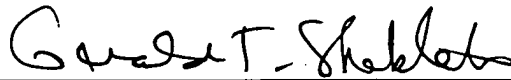
- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 23-0290:
- ☒ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a dated later than the filing date of the application)

- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

16. Instructions as to Overpayment

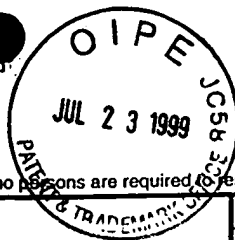
- ☒ Credit Account No. 23-0290
- ☐ Refund

Dated: May 21, 1999



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Gerald T. Shekleton,  
Attorney or Agent of Record  
Registration No. 27,466



PTO/SB/17 (12-97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FEE TRANSMITTAL

Note: Effective October 1, 1997.  
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 380.00

### Complete if Known

Application Number	
Filing Date	
First Named Inventor	SCHUMACHER et al.
Group Art Unit	1744
Examiner Name	
Attorney Docket Number	69430

### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 23-0920  
Deposit Account Name Welsh & Katz, Ltd.

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. FILING FEE

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	380.00
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			(\$ 380.00

#### 2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
12 - 20 =	0	X	
Independent Claims 1 - 3 =	0	X	
Multiple Dependent Claims		X	

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
103 22	203 11	Claims in excess of 20	
102 82	202 41	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim	
109 82	209 41	Reissue independent claims over original patent	
110 22	210 11	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 380.00

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

### SUBMITTED BY

Typed or Printed Name Gerald T. Shekleton

Signature Gerald T. Shekleton

Date 5/21/99

### Complete (if applicable)

Reg. Number 27,466

Deposit Account User ID 23-0920

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.